

HUMAN SERVICES

DIVISION OF YOUTH AND FAMILY SERVICES

Initial Response and Service Delivery General Provisions

Proposed New Rules: N.J.A.C. 10:133

Authorized By: Gwendolyn L. Harris, Commissioner, Department of
Human Services.

Authority: N.J.S.A. 30:4C-4(h).

Calendar Reference: See Summary below for explanation of exception to
calendar requirements.

Proposal Number: PRN 2003-451.

Submit written comments by January 2, 2004 to:

Pamela Wentworth
Office of Policy, Planning and Support
Division of Youth and Family Services
P.O. Box 717
Trenton, New Jersey 08625

The agency proposal follows:

Summary

As the Division has provided a 60-day comment period on this notice of proposal, this notice is exempt from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The Division has organized its rules on initial response and service delivery into chapters beginning with N.J.A.C. 10:133 and continuing to 10:133K at the present time. N.J.A.C. 10:133 is an introductory chapter containing general information that applies to all subsequent chapters numbered in the 133 series.

N.J.A.C. 10:133 was originally promulgated in January, 1993. It was readopted December 31, 1997 and expired December 31, 2002. The purpose of this chapter is to provide information applicable to all chapters in one central location, rather than repeating the information in each chapter. It is more convenient for the reader to find definitions for terms in one place rather than to search each chapter. This also ensures that the Division uses standard definitions for the terms used in this series of chapters.

In addition to definitions, this chapter contains the rights and responsibilities of clients and applicants, the responsibilities of the Division, and service limitations.

A summary of the proposed new rules follows:

N.J.A.C. 10:133-1.1 states the purpose of the series of chapters and of this chapter.

N.J.A.C. 10:133-1.2 states the scope of the chapter and the series of chapters.

N.J.A.C. 10:133-1.3 states the definitions used throughout this series of chapters.

N.J.A.C. 10:133-1.4 states the rights of clients and applicants.

N.J.A.C. 10:133-1.5 states the responsibilities of applicants and clients.

N.J.A.C. 10:133-1.6 states the responsibilities of the Division.

N.J.A.C. 10:133-1.7 states how the Division handles service limitations.

N.J.A.C. 10:133-1.8 states the reference for the dispute resolution process.

Social Impact

As of April 4, 2003, the Division had 53,995 children under supervision. These rules affect each applicant or client of the Division and his or her parents.

Giving potential applicants or clients, as well as actual applicants and clients, information about their rights and responsibilities can help them know what to expect from the Division and what the Division expects of them. The impact of establishing these rights and responsibilities is that the Division can hold applicants and clients to the listed responsibilities. The effect of the applicants' and clients' rights is to require the Division to take the measures necessary to ensure that the applicants' and clients' rights are followed.

The Division expects a positive reaction to the proposed new rule, as the reaction to prior proposals has been positive.

Many of the rights of clients were initially developed from the Federal Social Security Act, Title XX. While the Division is no longer required to maintain them by Title XX, the Division retained these rights because they are important.

Economic Impact

These rules have no economic impact on the public. They may have a potential impact on applicants and clients because they require applicants and clients to provide financial information related to their eligibility for

certain social services at N.J.A.C. 10:133-1.5. The rules also require that the Division inform a client of his or her responsibility to either reimburse or pay for certain services at N.J.A.C. 10:133-1.6(a)11.

The implementation of service limitations will have an economic impact on the Division if the Division ever imposes them. One reason to impose service limitations is to reduce spending.

Service limitations might also have an economic impact on clients who might have to pay for services that they previously received from the Division for free.

The Division has not implemented service limitations since these rules were initially adopted in 1993.

The Division's 2004 Federal Social Security Act's Title IV-E appropriation is \$98.2 million. In order to be eligible to receive the Title IV-E funds, a State must have a plan which provides that the State may not delay or deny a child's placement in foster care or for adoption on the basis of race, color, or national origin. See 42 U.S.C. §671(a)18. These rules confirm, at N.J.A.C. 10:133-1.4(i), New Jersey's nondiscrimination standards for all services provided through this chapter.

42 U.S.C. §674(e) requires a graduated reduction in Federal payments under Title IV-E when requirements are not met.

Federal Standards Statement

The Federal Social Security Act requires a State to have a plan that provides that the State does not deny or delay foster care or adoption services on the basis of the child's or the foster or adoptive parent's race, color, or national origin. See 42 U.S.C. §671(a)18 and 45 C.F.R. 1355.38.

Pursuant to 42 U.S.C. 1996b, noncompliance with the above prohibitions is a violation of Title VI of the Civil Rights Act of 1964.

N.J.A.C. 10:133-1.4(i) supports and does not exceed the Federal standards. Therefore a Federal exceedance analysis is not required for this rulemaking.

I, Commissioner Gwendolyn L. Harris, certify that the above analysis permits the public to understand accurately and plainly the purposes and expected consequences of this rulemaking activity.

Gwendolyn L. Harris
Commissioner

Date

Jobs Impact

The Division anticipates that the proposed new rules will not result in the generation or loss of any jobs.

Agriculture Industry Impact

The proposed new rules have no impact on the agriculture industry.

Regulatory Flexibility Statement

Neither the Division nor those who receive services from the Division are considered small businesses under the terms of N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. In general, those who make referrals to the Division are considered individuals, not small businesses as defined in N.J.S.A. 52:14B-16 et seq. N.J.S.A. 30:4C-11 states that applications may be filed with the Division “by a parent or other relative of such child, by a person standing in loco parentis to such child, by a person or association or agency or public official having a special interest in such child or by the child himself...” While the associations and agencies mentioned may be small businesses, the Division cannot establish separate referral procedures for small businesses that might endanger a child’s safety or health. Nothing in this chapter or the subsequent chapters in the 133 series requires the referral source to complete any recordkeeping or compliance requirements.

Therefore, a regulatory flexibility analysis is not necessary. The proposed new rules state the definitions used throughout the 133 series of chapters, client and applicant rights and responsibilities, Division responsibilities, and information about service limitations.

Smart Growth Impact

The Division does not anticipate that the proposed new rules will have any impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.